

IN THE UNITED STATES DISTRICT COURT
FOR DISTRICT OF SOUTH CAROLINA
AIKEN DIVISION

Kyle Franklin Buff,

Plaintiff,

v.

J. Abolfathi, of the Spartanburg County
Detention Center,

Defendant.

C/A No.: 1:25-cv-1736-SAL

ORDER

This matter is before the court on review of the Report and Recommendation (the “Report”) issued by United States Magistrate Judge Shiva V. Hodges, made in accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.). [ECF No. 26.] The magistrate judge recommends that this action be dismissed under Federal Rule of Civil Procedure 41(b) for Plaintiff’s failure to advise the Clerk of Court in writing of his updated address.¹ *Id.* Attached to the Report was a notice advising Plaintiff of the procedures and requirements for filing objections to the Report. *Id.* at 4. Plaintiff has not objected to the Report, and the time to do so has expired.

The magistrate judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The court is charged with making a de novo determination of only those portions of the Report that have been specifically objected to,

¹ Plaintiff called the Clerk’s Office and verbally provided a new address on April 17, 2025, but he has failed to provide an updated address in writing. [ECF No. 26.] Even so, the magistrate judge’s Report, Defendant’s motion to dismiss for failure to state a claim, and the court’s Roseboro order were all mailed to Plaintiff at the address the court has on file and the address Plaintiff provided over the phone. *See* ECF No. 27. The court has not received any response.

and the court may accept, reject, or modify the Report, in whole or in part. 28 U.S.C. § 636(b)(1). In the absence of objections, the court is not required to provide an explanation for adopting the Report and must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (citing Fed. R. Civ. P. 72 advisory committee’s note).

Finding no clear error in the Report, ECF No. 26, it is adopted and incorporated. Accordingly, this action is **DISMISSED** without prejudice under Rule 41(b). Based on the dismissal of this case, Defendant’s motion to dismiss for failure to state a claim, ECF No. 20, is **TERMINATED**. The Clerk is directed to mail this order to the address the court has on file for Plaintiff and to the address he provided over the phone on April 17, 2025.

IT IS SO ORDERED.

July 16, 2025
Columbia, South Carolina



Sherri A. Lydon
United States District Judge